

**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2135**

Attorney Docket No. 9400-57

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Wealthy Desai

Serial No.: 10/673,751

Filed: September 29, 2003

For: **SYSTEMS, METHODS AND COMPUTER PROGRAM PRODUCTS FOR
PROVIDING CUSTOMER SALES INFORMATION**

Group Art Unit: 3692

Examiner: Clement B. Graham

Confirmation No.: 1479

Date: July 25, 2008

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Commissioner for Patents

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**REASONS IN SUPPORT OF APPLICANT'S
PRE-APPEAL REQUEST FOR REVIEW**

Sir:

This document is submitted in support of the Pre-Appeal Brief Request for Review filed concurrently with a Notice of Appeal in compliance with 37 C.F.R. § 41.31 and with the rules set out in the OG of July 12, 2005 for the New Appeal Brief Conference Pilot Program.

It is not believed that an extension of time and/or additional fees, including fees for additional claims, are required, beyond those provided for in the accompanying documents. In the event that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper may be charged to our Deposit Account No. 50-0220.

REMARKS

Applicant hereby requests a Pre-Appeal Brief Review of the claims rejected in the Advisory Office Action mailed June 27, 2008 (which incorporates the Final Office Action mailed March 24, 2008, hereinafter "the Final Action").

Applicant respectfully submits that the rejection of the currently pending claims is clearly erroneous because the pending claims are statutory and many of the recitations of the pending claims are not met by the cited references for at least the reasons discussed herein

and in Applicant's Amendment dated May 22, 2008. Therefore, Applicant respectfully requests review of the present application by an appeal conference prior to the filing of an appeal brief. In the interest of brevity and without waiving the right to argue additional grounds should this Petition be denied, Applicant will only discuss the recitations of independent Claims 1, 21, 24, 26, 34–37 and 39–42 and dependent Claims 2–4, 8, 14, 15, 19, 22–23 and 25.

Claim 1:

Claim 1 recites, *inter alia*:

a) sending a request for customer sales information associated with a customer from a sales representative of a business organization to a customer sales information processing and communication (CSIPC) server associated with and under the control of the business organization using a terminal that is remote from the CSIPC server

A method as claimed may substantially facilitate efficient and effective use of customer sales information in customer negotiations and the like. Where a remote terminal such as a wireless communication device is used, the sales representative of the business organization can request and receive the information while away from a central location and, more particularly, while at or traveling to a customer's facility. The method may enable the sales representative to negotiate a sale on a realtime basis.

By contrast, U.S. Published Patent Application No. 2003/0120591 (Birkhead) discloses methods wherein a customer, not a sales representative, contacts (*e.g.*, by telephone) a customer service representative to request a credit limit increase. Upon receiving the request from the customer, the customer sales representative enters customer information into a personal computer (PC), which is then used to “exchange information with a credit rating service device . . . associated with, for example EQUIFAX, INC.®” [0030]. The credit rating service presumably is not associated with and under the control of a business organization for which the customer is a sales representative. Although Birkhead does provide for the possibility of indirect communication with the credit rating service device, its teaching is limited to the use of a “local server” that relays the information provided by the customer service representative’s PC to the credit rating service [0032]. Thus, Birkhead does not suggest sending a request from a sales representative of a business organization, using a

remote terminal, to a CSIPC server associated with and under the control of the business organization.

Nor would it have been obvious to one of ordinary skill in the art to have modified the method of Birkhead to correspond to Claim 1. Birkhead is particularly directed to providing methods and systems for receiving credit requests from customers via a call center or the like. U.S. Patent No. 6,847,942 to Land et al. (Land) does not appear to suggest modification of the Birkhead method in a manner that would satisfy the deficiencies of Birkhead in this regard.

The only portions of Birkhead cited in support of any of the rejections are “(see column 1 para 0013 and 0015 and column 2 para 0035 and column 3 para 0040 and 0046 and column 6 claim 1 and 22).” The only portion of Land cited in support of any of the rejections is col. 17, lines 49-61. Neither these passages nor the arguments set forth in the Final Action appear to in any way address the patentable distinctions between Birkhead and the subject matter of Claim 1 (or the subject matter of any of the claims discussed below) identified by Applicant. Land does not appear to cure the deficiencies of Birkhead with respect to any of the claims discussed herein. The failure of Birkhead to disclose “wherein the customer sales information is based on the external credit rating information” (Final Action at pages 2, 6, 9, 12, 13 and 14) has not been argued as grounds for patentability by Applicant, yet this is the only claim recitation for which Land is cited.

Accordingly, Applicant respectfully submits that Claim 1 is patentably distinguishable over the cited art for at least the foregoing reasons.

Claims 2-4, 8, 14, 15 and 19:

At least Claims 2-4, 8, 14, 15 and 19 are independently patentable over the cited art.

Claims 2-4 depend from Claim 1 and further recite that “the terminal is a wireless communication device and the request is sent to the CSIPC server using a wireless signal” (Claim 2), “the terminal and the CSIPC server communicate via a public switched telephone network (PSTN) (Claim 3), or “the terminal and the CSIPC server communicate via the Internet” (Claim 4). Birkhead does not teach or suggest a method as claimed, wherein a remote sales representative terminal communicates with a CSIPC server wirelessly or via a PSTN or the Internet.

Claim 8 depends from Claim 7, which recites:

7. The method of Claim 1 wherein:
 - a) the request includes a first customer identifier corresponding to the customer;
 - b) the method further comprises associating the first customer identifier with a second customer identifier using the CSIPC server; and
 - c) the step of retrieving the external credit information includes providing the second customer identifier to the ECRA system.

Claim 8 further recites "wherein the first customer identifier is a telephone number."

Birkhead does not teach or suggest using a telephone number as a first customer identifier.

Claim 14 depends from Claims 1, 10 and 13 and further recites "wherein the sales term includes at least one of a maximum allowed sale amount and a required down payment."

Birkhead does not teach or suggest sending customer sales information to a remote sales representative's terminal, wherein the sale information includes a sales term including at least one of a maximum sale amount and a required down payment.

Claim 15 further recites, *inter alia*:

- a) the terminal is a wireless communication device and the request is sent to the CSIPC server using a wireless signal;
- b) the request includes a telephone number corresponding to the customer;
- c) the method further comprises associating the telephone number with a customer identifier using the CSIPC server;

Accordingly, Claim 15 is further patentably distinguishable from the cited art for at least the reasons discussed above with regard to Claims 2 and 8.

Claim 19 depends from Claim 1 and further recites "wherein the sales representative is a sales representative for a vendor of business directory advertisements, and further comprising offering to sell the customer a business directory advertisement." Birkhead only discloses a method for determining and communicating whether a credit limit can be increased. Birkhead does not disclose a method for selling business directory advertisements.

Claims 21-26, 34-37 and 39-42:

Claim 21 is patentably distinguishable from the cited art for at least the reasons discussed above with regard to Claims 1 and 2. Claims 22 and 23 are further patentably distinguishable from the cited art for the reasons discussed above with regard to Claims 3 and

4, respectively.

Claims 24 and 25 are patentably distinguishable from the cited art for at least the reasons discussed above with regard to Claims 1 and 8.

Claim 26 is allowable for at least the reasons discussed above with regard to Claim 14.

Claims 34-37 are patentable over the cited art for at least the reasons discussed above with regard to Claims 1, 21, 24 and 26.

Claims 39-42 are patentable over the cited art for at least the reasons discussed above with regard to Claims 1, 21, 24 and 26.

CONCLUSION

In view of the foregoing discussion, Applicant respectfully requests that the present application be reviewed and that each of the outstanding rejections be reversed by the appeal conference prior to the filing of an appeal brief.

Respectfully submitted,



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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on July 25, 2008.

Signature: 
Typed or Printed Name of Person Signing Certificate: Katie Wu